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# First Woman to be Admitted to an Inn of Court, Helena Normanton, 1919

JUDITH BOURNE

Helena Normanton (1882–1957) was the first woman to be admitted to an Inn of Court on 24 December 1919, immediately after the **Sex Disqualification (Removal) Act 1919** received royal assent. Until Normanton's admission women had been refused entry, thus preventing women from becoming barristers. She was also the first woman to be briefed in both the High Court<sup>1</sup> and the Central Criminal Court<sup>2</sup> and was, with **Rose Heilbron**, one of the two first women King's Counsel in England and Wales.<sup>3</sup>

## I. LIFE

Normanton was born on 14 December 1882 in West Ham, then in Essex, now in East London.<sup>4</sup> Her father was a pianoforte maker who died in mysterious circumstances on the Metropolitan Line when Normanton was four years old. The census records that her mother was successively a milliner, publican and boarding-house keeper. Normanton's parents had separated, which would have attracted great social stigma at the time, and perhaps as a result her early life was full of change and upheaval: the family moved frequently and her sister was sent to a boarding school for fatherless girls.

Normanton trained as a pupil-teacher, one of the only professional careers open to women at this time, whilst living at home in Brighton between 1895 and 1903. She enrolled at Edge Hill, an all-female teacher training college, where according to the principal, Sarah Hale, the students demonstrated 'a healthy interest in feminism'.<sup>5</sup> Indeed, this may have been one of the reasons Normanton chose to study there. In 1905,

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<sup>1</sup> *Searle v Searle*, High Court of Justice (Divorce) in papers held at the Women's Library, LSE (WL: 7HLN/A/09).

<sup>2</sup> The case of *R v Eyles*, reported in the *Daily Express*, 'First Woman in the Old Bailey', 7 February 1924.

<sup>3</sup> **First woman member of the Faculty of Advocates, Margaret Kidd, 1923.**

<sup>4</sup> This landmark draws on the research contained in Judith Bourne, *Helena Normanton and the Opening of the Bar to Women* (Waterside Press, 2016).

<sup>5</sup> Fiona Montgomery and Mark Flinn, *A Vision of Learning: Edge Hill University 1885–2010* (Third Millennium Publishing, 2010) 38.

Normanton began work as a history teacher. Her archives contain references praising her performance as a teacher: she was ‘possessed of ability much above average ... [who] brings to bear on any question under discussion a lucidity and sanity of judgment too infrequently found in those of her sex’.<sup>6</sup> In 1912, while working full time, she was awarded a first class degree in History from the University of London external programme.<sup>7</sup> In 1915 she left school-teaching to take up a controversial choice of employment, that of tutor to the sons of the Baron de Forest, a Liberal MP, and twice divorced man of Austrian origins, who had converted from Judaism to Roman Catholicism. A year later she became an extension lecturer in history at the University of London, a position she stayed in until she joined the Bar.

Normanton was a prominent member of a number of influential women’s groups and networks. In 1914, she joined the Women’s Freedom League, a suffragette organisation, and was the guest speaker at their Magna Carta celebrations in 1915,<sup>8</sup> where she argued that Magna Carta was the source and basis of women’s legal rights. The same year she produced a pamphlet for the National Federation of Women Teachers, arguing for equal pay for equal work. After some women obtained the vote,<sup>9</sup> including Normanton herself, in 1918, she shifted her attention to ensuring the extension of the vote to *all* women, through her membership of the Union of Women Voters, and women’s participation in civic society, as the first secretary of the National Women’s Citizen Association. In 1921 she was an early member of Lady Rhondda’s Six Point Group.<sup>10</sup>

Normanton claimed to have fostered an ambition to become a lawyer from the age of 12 when she visited a solicitor with her mother.<sup>11</sup> Her mother could not understand the advice proffered, but the solicitor could see that Normanton understood and made her recite the advice, which she did, leading him to remark that she was ‘quite the little lawyer’. She felt her mother was the victim of sex inequality because she lacked rudimentary legal knowledge that Normanton supposed men had.

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<sup>6</sup> Women’s Library, LSE: WL: 7HLN/A/01.

<sup>7</sup> She was awarded her LLB from the University of London in 1930.

<sup>8</sup> Antoinette Burton, *Burdens of History: British Feminists, Indian Women, and Imperial Culture* (University of North Carolina Press, 2000).

<sup>9</sup> See **Representation of the People Act 1918**.

<sup>10</sup> See **Life Peerages Act 1958**.

<sup>11</sup> Helena Normanton, *Everyday Law for Women* (1st edn, Richard Clay & Sons 1932) 6.

Normanton joined the Committee for the Admission of Women to the Legal Profession, a network of women campaigning for women's entry to the bar, founded in 1903 by Christabel Pankhurst after her application to Lincoln's Inn was rejected.<sup>12</sup> Membership of an Inn of Court was (and still is) crucial to a career at the Bar, for without eating the correct number of dinners at an Inn, a student could not and still cannot be called as a barrister. In the glare of publicity, Normanton applied for admission to Middle Temple in February 1918 and was rejected. The following June, Normanton appealed against her rejection. This was also rejected. In November 1919, when it was clear that the (then) Sex Disqualification (Removal) Bill would become law, Normanton rang the Under Treasurer at Middle Temple and requested to be admitted as a student and was told that her application must 'stand over until the Bill' became law. A month later they wrote to her explaining that they had received her references, but that the Treasury Office would be closed between 24–31 December. It was clear that they would not be rushed into admitting her. The Bill was due to receive Royal Assent on 23 December 1919. On that day the Treasury Office wrote to Normanton explaining that the Bill was due to receive assent at 3pm and they would wait for her until 4.05pm in case she 'should call'. Further, in the event of her not calling, they supplied her with a telephone number and address, as they wished to cause her (ironically) as 'little delay as possible'. She must have gone to the Treasury Office on Christmas Eve, the day the office should have been closed, as her archives contain a library card in her name (the 'Mr' scrubbed out and 'Miss' written in) and a membership fee receipt.

Normanton passed her Bar Finals with a third in October 1921, the same month she married Gavin Watson Clark. She retained her maiden name. She was called to the bar at Middle Temple in November 1922, alongside eight other women<sup>13</sup> (and one at Inner Temple).<sup>14</sup> They were not the first women to be called: that honour went to Ivy

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<sup>12</sup> There is little archival material surrounding this group, however see *Evening News*, 9 March 1920; Elizabeth Crawford, *The Women's Suffrage Movement: A reference guide 1866–1928* (UCL Press, 1999); Rosemary Auchmuty, 'Whatever Happened to Miss Bebb? *Bebb v The Law Society* and women's legal history' (2013) 31 *Legal Studies* 199, 209–12; Elsie Lang, *British Women in the Twentieth Century* (T Werner Laurie, 1929).

<sup>13</sup> Monica Geikie Cobb, Auvergne Doherty, Ethel Bright Ashford, Naomi Wallace, Sybil Campbell, Elise Wheeler, Lillian Dawes and Beatrice Honor Davy.

<sup>14</sup> Theodora Llewellyn Davies.

Williams,<sup>15</sup> called to the Bar at Inner Temple, in May 1922.<sup>16</sup> Normanton held her first brief on 21 December 1922. In 1949 she was made a King's Counsel.

After joining the Bar, Normanton continued to be involved in a number of women's campaigns including arguing for the separate assessment of married person's tax<sup>17</sup> – becoming, in 1929, Chair of the Married Person's Income Tax Reform Council – and as a member of the National Council for Equal Citizenship and President of the Married Women's Association in 1952.

Albeit her practice was largely limited to poor persons and lower court work (though she was the first woman to prosecute in a murder case in 1948), she practised successfully until her retirement in 1951. She died in Beckenham in 1957.

## II. THE LANDMARK

Normanton was not the first woman to demand entry to the legal profession. Women had been forming networks for the right to enter the legal profession since 1873 when Maria Grey<sup>18</sup> unsuccessfully<sup>19</sup> organised a petition signed by 92 women to attend lectures given by the Council of Legal Education.<sup>20</sup> Thirty years later, in 1903 Bertha Cave<sup>21</sup> applied to join Gray's Inn and was again refused. She appealed as a litigant in person to the House of Lords and was heard before a formidable group of judges, including the Lord Chancellor, Lord Halsbury, who unanimously rejected her appeal. There was no precedent which allowed women such entry. The same year Christabel Pankhurst's application was rejected (no doubt for the additional reason that her suffragette behaviour was 'disgraceful').<sup>22</sup> Undeterred, the Committee for the Admission of Women to the Legal Profession went on to assist Miss Bebb, and three

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<sup>15</sup> Hazel Fox, 'Williams, Ivy (1877–1966)' in *Oxford Dictionary of National Biography* (OUP, 2004).

<sup>16</sup> Her academic achievements had allowed her to shorten the period of call. In 1920 she had become the first woman to teach law in a British university when she became a tutor to the Home Students at Oxford.

<sup>17</sup> **Section 32 of the Finance Act 1988.**

<sup>18</sup> Philippa Levine, 'Grey, Maria Georgina (1816–1906)' in *Oxford Dictionary of National Biography* (OUP, 2004).

<sup>19</sup> Mary Jane Mossman, *The First Women Lawyers: A Comparative Study of Gender, Law and the Legal Professions* (Hart Publishing, 2006) 116.

<sup>20</sup> Established in 1852 by the Inns of Court to supervise the education of Bar students. It employed professors to lecture. See the Council of Legal Education archive held at the Institute of Advanced Legal Studies, University of London.

<sup>21</sup> MT. 1/MPA/22.

<sup>22</sup> Auchmuty, n 12 above, 214.

others in their landmark (but unsuccessful) case to force open the solicitor's profession in 1913.<sup>23</sup> In 1914, the Committee to Open the Legal Profession to Women was established and campaigning continued until the outbreak of the First World War. It was only after the war that the Law Society had a change of heart, voting to admit women in 1918. However, the Bar stood firm, refusing to open its doors until forced to do so by the 1919 Act, and only then doing so grudgingly.

Normanton's admission happened during a time of great social and global change. It is no coincidence that Normanton made her application to Middle Temple in the same month that some women had finally obtained the vote. The extension of the franchise gave women confidence, not simply in their legal status but in the fact that they had won a major campaign for equality. Further afield, Europe had been irreversibly changed during and by the First World War; there had been a revolution in Russia and there was conflict in Ireland and India. Women were already able to practise law in many other countries, including the United States and former British colonies like Australia, New Zealand and Canada. Clara Brett Martin had joined the Law Society of Upper Canada in 1867; Arabella Mansfield had been admitted to the Iowa Bar in the US in 1869, followed by Ethel Benjamin, who had been admitted as a barrister and solicitor of the Supreme Court of New Zealand in May 1897 and Flos Greig, who was admitted to the Victorian Bar in 1905.

### III. WHAT HAPPENED NEXT

In England and Wales, the initial round of appointments was followed, in 1923, with the call of a further 10 women. In 1924, the number of women called rose to 18, but in 1925 this had fallen to nine.<sup>24</sup> These figures were typical until the mid-1940s, with the result that by 1970 women accounted for just 8.2 per cent of those called to the Bar. This increased to 37 per cent by the mid-1980s,<sup>25</sup> and by the early 1990s 42.7 per cent of those called to the Bar were women.<sup>26</sup> In 2016, 616 women were called to the Bar (47 per cent) – though in recent years they have exceeded the 50 per cent mark.

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<sup>23</sup> *Bebb v Law Society* [1914] 1 Ch 286. See further **Women's Legal Landmarks: An introduction**.

<sup>24</sup> Richard Abel, *The Making of the English Legal Profession 1800-1988* (Beard Books, 1988) 330 (Table 1.12).

<sup>25</sup> Bar Council figures (on file with editors).

<sup>26</sup> Bar Council figures (on file with editors).

However, despite making up almost half of those joining the profession for over a quarter of a century, women's occupation in and progression through the legal profession has been painfully slow. Current figures reveal that women make up just 36 per cent of the practising Bar and a mere 14 per cent of QCs.<sup>27</sup>

## IV. SIGNIFICANCE

To all Edge Hill suffragists I give this advice – it takes no moral courage whatever to walk in procession.<sup>28</sup>

In her lifetime, Normanton attracted much negative comment from legal contemporaries affronted by her feminism. She was, according to one,

a war horse from the old feminist days and the terror of her male colleagues ... a comic character quite without fear, and physically unattractive. She can only be described as large and blowsy ... incredibly common not to say vulgar ... a menace to the movement for she was always trying to organise the women into forming separate groups from the men.<sup>29</sup>

These kinds of comments are, of course, the classic response to pioneer women. We can conclude from this that Normanton represented a challenge to the established order: a woman determined to practise at the Bar at whatever personal cost; a woman determined to challenge men's monopoly on the legal profession; a woman not afraid of rivalry; a woman competing for substantive equality. Nor was she unaware of the impact of her gender on her lawyering:

[W]omen often say that they cannot get a man lawyer to understand what their real grievance is. Something has gone wrong with their marriage and they are not able to convince a man as to the cruelty of the case.<sup>30</sup>

Though she was quick to add that she did not wish to be confined to 'women's cases'.<sup>31</sup>

Normanton's admission as the 'first' woman to enter an Inn of Court symbolised – and was in fact – the end of men's unchallenged control of the legal profession. It was a ground-breaking step in itself, and her fortitude in remaining in practice despite the negative narrative and constant allegations of self-publicity that grew up around her

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<sup>27</sup> Bar Council, 'Called to the Bar and tenancy statistics' (*Bar Council*, no date): <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/statistics/called-to-the-bar-statistics/>.

<sup>28</sup> Normanton writing in the *Edge Hill Magazine* in 1908.

<sup>29</sup> Women's Library, LSE, WL: LOCKET.

<sup>30</sup> As reported in *The Vote*, 20 February 1920.

<sup>31</sup> *ibid.*

demonstrates her continuing determination to break down discrimination against women at the Bar.

### Further reading

- Rosemary Auchmuty, 'Whatever Happened to Miss Bebb? *Bebb v The Law Society* and women's legal history' (2013) 31 *Legal Studies* 199–230.
- Judith Bourne, *Helena Normanton and the Opening of the Bar to Women* (Waterside Press, 2016).
- Patrick Polden, 'Portia's Progress: Women at the Bar in England, 1919–1939' (2005) 12 *International Journal of the Legal Profession* 293–338.